

Ilhan Cagri
9318 Walden Road, Silver Spring, MD 20901
Email: ilhancagri@gmail.com Cell: 301-404-2247

Testimony IN FAVOR of House Bill 429 Public Safety – Law Enforcement Agencies – Body–Worn Cameras

My name is Ilhan Cagri and I am testifying on behalf of the Muslim Voices Coalition, a coalition of individuals and organizations belonging to the Muslim faith who envision a state where every individual can thrive and develop to their fullest potential. We support HB 429 Public Safety – Law Enforcement Agencies – Body–Worn Cameras because we feel it would correct several flaws in SB 71 passed last year that created a state-wide requirement for the use of body-worn cameras.

The American Muslim community represents an intersectionality of backgrounds and races. Specifically, members often suffer discrimination because of their color, ethnicity, religious affiliation, and the perception that they are “foreign”, suspect, and/or have illegal immigrant status. This “otherizing” view of the Muslims (as well as South Asians and anyone who presents as Muslim) in our country permeates interactions between law enforcement and community members. It is thus important to our communities around the state that there be transparency and accountability in use of force incidents by the police against civilians, the overwhelming majority of whom are people of color.

The Maryland General Assembly passed SB 71, shortly after the killing of Kwamena Ocran on January 8, 2021, by plainclothes officers of the Gaithersburg City Police in Montgomery County. Because they were not in uniform, the officers who killed Mr. Ocran were not wearing body-worn cameras. Subsequently the officers were not criminally charged by a grand jury which did not have the benefit of any body-worn camera recordings. The Muslim Voices Coalition feels that this was a failure in the justice system; there was a lack of transparency and accountability in police shooting and killing a community member.

As a result of SB 71, we have a statewide body-worn camera law requiring all county and state police officers who regularly interact with the public as part of their official duties to have body-worn cameras. Unfortunately, this law did not include municipal police, and it did not clearly apply to non-uniform police or off-duty police engaged in secondary employment while in uniform. These are exactly the conditions Mr. Ocran was killed under: non-uniformed officers of a municipal police department. Thus, although well-intended, the law leaves a gap whereby justice would still be denied to Mr. Ocran’s family and the members of our Muslim community who are disproportionately affected by police mistreatment.

In passing SB 71 last year, the General Assembly acknowledged the importance of requiring the widespread use of body-worn cameras, a position that is widely held by both the police and the larger community. As you are no doubt aware, 9 out of 10 Americans support the use of body-worn cameras and 85% of police agencies that have adopted body-worn camera programs would recommend implementation to other agencies. Multiple studies demonstrate that there is a reduction in use of force incidents and misconduct complaints when officers use body-worn cameras.¹ Conversely, officers working in plainclothes units have higher rates of excessive force and misconduct and are subject to less public oversight than uniformed officers. For example:

- In 2020 the Baltimore City Police Department eliminated most of their plainclothes officer units. The Baltimore Sun reported that these officers were long associated with the largest number of complaints and misconduct, noting that the notorious Gun Trace Task Force and others charged in the fallout of the GTTF scandal operated in the plainclothes units of the department for years.²
- In 2018, a study of New York City plainclothes officers showed they were involved in 7 times more killings than uniformed officers.³ In 2020, New York City disbanded their plainclothes units because they reflected an, “outdated policing model that too often seemed to pit officers against the communities they served, and that they were involved in a disproportionate number of civilian complaints and fatal shootings by the police.”⁴

Even more troubling, a Maryland Public Information Act request revealed that two of the Gaithersburg City police officers who killed Kwamena Ocran were disciplined for engaging in abusive conduct during a traffic stop conducted while they were on another plainclothes operation. Not only did the officers hold four young Black men, who were found to have done nothing wrong, on the side of the road for over four hours while screaming profanities at them, but the officers failed to complete the required paperwork to document that they had pointed their guns at the men.

The logic of requiring broader use of body-worn cameras is supported by the facts: since plainclothes officers are not immediately identifiable as police officers when they engage in misconduct, onlookers are less likely to take notice and use their cell phones to record the interaction themselves. Were it not for cell-phone footage, we would not have known about the murders of so many people by police including William Green, who was killed last year by a uniformed Prince George’s County Police Officer who was not wearing a body-worn camera.

¹ <https://www.ncsl.org/research/civil-and-criminal-justice/body-worn-cameras-interactive-graphic.aspx>

² <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-police-plainclothes-ordered-into-uniform-20200918-7wj5nyxqefcv3ccimpirenee-story.html>

³ <https://www.criminallegalnews.org/news/2018/sep/19/plainclothes-officers-6-percent-nyc-police-force-involved-31-percent-fatal-police-shootings/>

⁴ <https://www.nytimes.com/2020/06/15/nyregion/nypd-plainclothes-cops.html>

In Montgomery County, some jurisdictions have already taken steps to fill the gap in existing law:

- Shortly after Kwamena Ocran’s killing, the City of Gaithersburg amended their body-worn camera policy to include plainclothes officers.⁵ The City of Gaithersburg’s policy also applies to security-related secondary employment.
- The City of Rockville’s body-worn camera policy requires plainclothes officers and non-uniformed investigators to wear body-worn cameras and it allows officers to wear BWCs when off-duty and in uniform or while off-duty and engaged in secondary employment.⁶

The bill provides that officers working in an undercover capacity are not intended to be covered by HB 429. To clarify, the bill will include the following language: “A law enforcement officer working in an undercover capacity shall not be required to use a body-worn camera if a supervising officer determines that such use would jeopardize the safety of the law enforcement officer.” Based on our review of relevant policies, supervisors must routinely approve all undercover operations, so making this finding can be a routine part of that approval process.

As for concerns regarding privacy, HB 429 would incorporate all of the privacy protections of SB71. The law requires the Maryland Police Training and Standards Commission to issue policies covering a wide range of subjects that protect privacy rights including when recording is mandatory, prohibited or discretionary; when recording may require consent of a subject being recorded; when an officer must provide notice of recording; access to and confidentiality of recordings; the secure storage of data from a body–worn camera; review and use of recordings; dissemination and release of recordings; notification requirements when another individual becomes a party to the communication following the initial notification; *specific protections for individuals when there is an expectation of privacy in private or public places*; and any additional issues determined to be relevant in the implementation and use of body–worn cameras by law enforcement officers. Privacy concerns should be further minimized because plainclothes officers are less likely to interact with members of the public in private spaces than uniformed police officers because plainclothes officers typically work in public spaces, and they will not be responding to dispatched calls to people’s homes.

All these points argue in favor of HB 429. We urge you to pass this bill.

⁵ https://apps.gaithersburgmd.gov/general_orders/619_4_Body_Worn_Cameras.pdf

⁶ <https://www.rockvillemd.gov/DocumentCenter/View/19826/4-55-Body-Worn-Camera-Systems?bidId=>